

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION**

**Master File No. 2:12-MD-02327
MDL No. 2327**

**THIS DOCUMENT RELATES TO WAVE 6
CASES AND PLAINTIFFS**

**JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE**

**SECOND AMENDED JOINT MOTION TO TAKE DEPOSITION OF
DR. ZIPPER AFTER DISCOVERY IS CLOSED**

Plaintiffs and Defendants, Ethicon, Inc. and Johnson & Johnson (collectively, “Ethicon”), move to take the deposition of Dr. Ralph Zipper, the general causation expert for Plaintiffs, on October 27, 2017, which is four weeks after the close of discovery. In support of this motion, the parties state:

1. In early August 2017, Ethicon requested a date for the deposition of Dr. Ralph Zipper, who has been designated as a general causation expert for Plaintiffs.
2. Plaintiffs’ counsel, Renee Baggett, diligently worked to obtain deposition dates of Dr. Zipper before the September 25, 2017, discovery cut-off.
3. Despite good faith efforts by all parties to schedule Dr. Zipper’s deposition within the discovery period, the parties were unable to do so because of scheduling issues involving Dr. Zipper. Also, Dr. Zipper lives and practices in Florida and his deposition could not be taken in September due to Hurricane Irma and its aftermath.
4. The earliest time that Dr. Zipper is available for deposition is October 27, 2017.

5. The parties request that this Court allow the deposition of Dr. Zipper on October 27, 2017.

6. The parties request to extend the Daubert deadlines for the same reasons as noted above to the following:

| | |
|-----------------|----------|
| Daubert Motions | 11/24/17 |
| Responses | 12/8/17 |
| Replies | 12/15/17 |

7. Because this motion is self-explanatory, the parties request to be relieved from submitting a supporting memorandum.

WHEREFORE, the parties request that the Court grant their unopposed motion to take the deposition of Dr. Zipper on October 27, 2017.

Respectfully submitted,

/s/ Barry J. Koopmann

Barry J. Koopmann
Bowman and Brooke
150 South Fifth Street, Suite 3000
Minneapolis, Minnesota 55402
Telephone: 612-672-3289
Barry.koopmann@bowmanandbrooke.com

Attorney for Defendants
Ethicon, Inc. and Johnson & Johnson

/s/Renee Baggett

Renee Baggett
Aylstock, Witkin, Kreis & Overholtz, PLLC
17 E. Main Street, Suite 200
Pensacola, Florida 32502
Telephone: 850-202-1010
rbaggett@awkolaw.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/Christy D. Jones

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